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Consideration of reports submitted by States parties under article 40 of the Covenant

List of issues in relation to the fourth periodic report of Cyprus

Addendum

Replies of Cyprus to the list of issues* **

[Date received: 22 December 2014]

Introduction

1. Following the submission of the Fourth Periodic Report of the Republic in accordance with article 40 of the International Covenant on Civil and Political Rights, in December 2012, the Human Rights Committee adopted a List of Issues on the Fourth Periodic Report of Cyprus, during its 111th session.

2. In response to the above List of Issues, the Government submits the following replies, in the light of the consideration of its-Fourth Periodic Report, at the 113th session (March 2015) by the Committee.

* The present document is being issued without formal editing.
** The annexes to the present report can be consulted in the files of the secretariat.

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Constitutional and legal framework within which the Covenant is implemented (art. 2)

Replies to the issues raised in paragraph 1

3. The Ombudsman's Office has significantly expanded its competences over the last 10 years (Equality Body, National Mechanism for the Prevention of Torture, NIAHR and Independent Authority for the Promotion of the Rights of Persons with Disabilities).

4. The Ombudsman under her capacity as NIAHR is currently at the process of applying for accreditation to the competent committee of the OHCHR. The NIAHR does not have neither separate budget nor separate technical and human resources for its functioning but uses the budget, premises and staff of the Ombudsman's Office. The Ombudsman has requested to be able to appoint her own staff (until now the Office's staff is recruited through the general procedure of recruitment in the civil service) and recently has underlined the necessity for additional staff in order to efficiently fulfill her expanded responsibilities.

5. The international economic crisis has had a major impact on the Cyprus economy, as reflected in the main economic indicators. The agreement with Troika for a macroeconomic adjustment programme (Memorandum of Understanding) is envisaged to bring back economic stability. Within this framework, the Government is required to reduce its expenses including the number of its employees. Despite these challenges, Cyprus continues to act on human rights based approach, including the protection of Civil and Political Rights.

Replies to the issues raised in paragraph 2

6. Turkey's invasion in 1974 and the continuing military occupation of 36.2% of the territory of the Republic, has resulted in the violation of the human rights of thousands of people, both Greek and Turkish Cypriot. As a result of the continuing occupation, the Government is not in a position to apply and consequently ensure the implementation of human rights (or the rights provided for by the Covenant) in the whole of its territory. Reliable information and data related to the enjoyment of such rights by the Cypriot citizens living in the areas that are not under the effective control of the Government is not available.

7. The ECHR, in its Judgment of 10th May 2001 following the Fourth Interstate Application of Cyprus v. Turkey, found that Turkey, which has "effective overall control over northern Cyprus" is responsible for securing all human rights under the European Convention for the Protection of Human Rights and Fundamental Freedoms (ratified by L.39/1962) and violations of such rights by her own soldiers, or officials, or by the local administration are imputable to her. The responsibilities of the occupying power emanate from international humanitarian law, including the Fourth Geneva Convention.

8. The consistent and continuous violations on human rights in Cyprus by Turkey can also be evidenced by numerous United Nations and other international bodies' resolutions and recommendations. Efforts to reunite Cyprus are dependent upon the restoration, among other issues, of fundamental freedoms and human rights of all its lawful citizens, which are an integral part of the negotiations to reach a settlement.

9. Pursuant to Article 1 of Protocol No. 10 of the Accession Treaty of the Republic of Cyprus to the EU, the application of the acquis communautaire has been suspended in the occupied areas. Despite this, approximately 100,000 Turkish-Cypriots who are in possession of a Republic of Cyprus ID, enjoy their full benefits as citizens of the Republic, which allow them in turn full enjoyment of the rights of EU citizens.

Non-discrimination, equality between men and women (arts. 2, 3 and 26)

Replies to the issues raised in paragraph 3

10. The allegation that the Republic applies nationality law in a discriminatory manner is completely unfounded. During the past year, neither nationality legislation, nor nationality policy has been amended in any way.

Replies to the issues raised in paragraph 4

11. The Constitution of Cyprus, in Article 18, affords the right of freedom of religion, and equality of all religions or religious institutions; whereas Article 28 of the Constitution stipulates that all persons are equal before the law, the administration and justice and are entitled to equal protection thereof and treatment thereby. In the same context , Section 47 of the Criminal Code provides that any person who takes any action publicly with a seditious intention to promote feelings of hostility between communities or religion groups on the grounds of race, religion, colour or sex, is guilty of an offence and is liable to imprisonment for five years. More details of the relevant legislation are included in the attached Annex I.

12. The Police, jointly with the Ombudsman's Office agreed on a Police Policy Statement for the prevention, handling and combating of discrimination and racist crime. The Statement restructures, elaborates and improves the framework that was in place previously. It emphasizes the development of proactive and deterrent action, victim encouragement, support and protection, and more effective intervention and investigation measures.

13. The Office of Combating Discrimination of the Police Headquarters maintains a database as well as statistical records, and co-operates with governmental or NGOs on matters relating to racist incidents or incidents with a racist motive. Relevant statistics can be found at: http://www.police.gov.cy/police/police.nsf/All/EDDAF2C24740CBC0C2257CC9001199C4/$file/Ratsismos%20Agglika%202005-2013.pdf.

14. In addition, circulars letters that have been issued by the Chief of Police in the last three years, regulate the following: (1) Members of the Police are obliged to respect every person irrespective of racial, ethnic, religious or other origin and to treat all equally before the law; (2) Complaints on racial offences or on offences with a racial motive must be investigated with special diligence and recorded as required; (3) Members of the Police should not refer to members of racial, ethnic, religious or other communities in an offensive way, or in a way that may contribute to a climate of hostility, fear and bias toward such communities; (4) Racial profiling must be avoided: (5) Racial offences or offences with a racial motive must be investigated by a Police Sergeant or higher ranking officer and; (6) In addition to the monitoring of the investigator's line manager, such investigations shall be monitored by the local Assistant Police Commander in charge of Operations.

15. Furthermore, Cyprus Police Academy provides educational programmes on racial discrimination issues, at all levels of Police training. Specifically, such courses aiming to educate Police constables of all ranks, are offered at the basic Training Programmes for Recruiting Police Officers, at advanced courses such as the Sergeant Course, Inspector Course and Chief Inspector Course, as well and at specialized courses such as basic and advanced Crime Investigation course, courses for the members of AIU etc.

16. Specifically, the following lectures are offered for preventing and combating discrimination:

(1) Policing in a Multicultural Society;

(2) Communication in a Multicultural Society;

(3) Securing Human Rights;

(4) Racial Discrimination and other forms of Discrimination;

(5) Citizens Right charter;

(6) Enforcement of Human Right by Law Enforcement Agencies and;

(7) Human Rights, Migration and Asylum issues.

17. Finally, as regards the fire at Koprulu Haci Ibrahim Aga mosque in Limassol in 2012 the case was investigated and classified as "Undetected".

18. The MOEC, following the recommendations by the European Commission against Racism and Intolerance and the Anti-Discrimination Body, has drafted a "Code of Conduct Against Racism" and "Guide for Managing and Reporting Racist Incidents" in schools, taking into account the views of experts in the field of intercultural and antiracist education. The Code discusses research and policy which identifies the need for a whole-school antiracist policy, with a broad conceptualization of racism in all forms, in order to include all sorts of discrimination. It also provides schools and teachers with a detailed plan on how to deal with and prevent racist incidents, which they may adjust to their specific needs before they adopt it and begin its implementation. It includes definitions of basic concepts, outlines the responsibilities and commitments expected by each member of the school community and provides the steps to be followed by schools in a practical rubric. The Code was officially presented to the public by the Minister of Education and Culture and the Head of the Anti-Discrimination Body at a press conference in June 2014. As the Code views diversity as a multiple phenomenon, involving various aspects of people's identities, it is expected to contribute to the decrease of bullying and discrimination based on any form of diversity in schools. The Code has been reviewed and will be applied on a pilot basis in five primary and two secondary schools during the current school year 2014-2015. A series of optional workshops is under way focusing on supporting teachers who are participating in the pilot implementation of the Code and Guide. The pilot implementations, as well as the workshops, are enhanced with support by the Anti-Discrimination Body and the Cyprus Office of the UNHCR.

19. A primary school teachers' handbook was electronically published in March 2014 with indicative activities for dealing with diversity through health education. A series of in-service teacher trainings is planned, both optional and compulsory through workshops on the theory and research supporting the critical multicultural approach on which the handbook is based. The workshops will also include implementation of activities with teachers aiming to enable them to self-reflect and challenge stereotypes.

20. The multidisciplinary team of experts "Task Force on School Violence" continues its work in providing immediate support and guidance to schools facing emergencies of violence and youth delinquency, including incidents of racism. The team works closely with other competent government authorities and NGOs. Through the team's interventions in schools, vulnerable pupils receive psychological support on a regular basis. The Observatory on Violence in Schools, the Educational Psychology Service and the Career Counseling and Educational Service are also dealing with issues related to racism and fall within their competence in a systematic way, with an ultimate aim to combat racial stereotypes and discriminatory attitudes in schools and promote diversity and tolerance. During the school year 2013-2014, the team was requested to offer its services in 186 cases. Out of these cases only one involved an incident of racism in a primary school. In addition, the Observatory in collaboration with the CCR has established the Network Against Violence in School. The establishment of the Network was announced by the Minister of Education and Culture, during a press conference in March 2014.

Replies to the issues raised in paragraph 5

(a) Participation of women in public and political life

21. The balanced participation of women and men in decision-making positions in public and political life has remained a priority for the NMWR in line with the first NAPGE (2007-2013). Measures taken towards this direction include awareness-raising campaigns with the broad participation of women's organizations, meetings and contacts with political parties and media organizations, dissemination of statistical data and research findings, exchange of good practices through conferences and seminars, particularly in view of the Parliamentary and Local Elections of 2006 and 2011.

22. At present, out of the six elected members of the European Parliament one is a woman. Women appear also in high ranking independent positions in Cyprus, such as Minister, Governor of the Central Bank, Accountant-General, Commissioner for Administration and Human Rights, Law Commissioner and Commissioner for the Protection of Children's Rights, Commissioner for the Environment and Commissioner for Gender Equality, Chair of the Cyprus Securities and Exchange Commission, Chair of the Commission for the Protection of Competition and Chair of the Board of the Natural Gas Public Company.

23. Also, in the framework of the renewal of the boards of semi-governmental organizations, women have been appointed as Chairs or Vice-Chairs in the following public organizations: Cyprus Organization for Standardizations (Chair), Electricity Authority of Cyprus (Vice-Chair), Cyprus Sports Organization (Chair), Tenders Review Authority (Chair), Tax Tribunal (Chair), Loan Commissioners Fund (Vice-Chair).

24. The number of women civil servants as a proportion of the total number of senior civil servants has also increased. During the year 2000 women only represented 13.5% of the total of senior civil servants. Women's percentage has steadily risen to reach 32.7% during 2011 and 37.3% during 2013. Women's participation in municipal councils has also gradually increased, but still only 84 out of 468 members were women during 2013 (17.9%). Moreover, even though in 1980, there were no women judges in Cyprus, there has been a constant increase in their number during the last years. Specifically, during the period 1980-2011, the proportion of women judges increased to 44.3%, while in 2013 44 out of 101 judges were women. The number of women judges of the Supreme Court has increased to 3 out of 13 Judges. The proportion of women members of the Parliament has gradually increased during the last years from 5.4% in 1991 to 14.3% in 2006. Still, at present this proportion decreased (10.7%).

25. Nevertheless, as indicated by the statistics a significant gap between men and women still remains in nearly all decision-making positions. The prevalence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family, in the workplace, in political and public life contributes to this.

26. See also the attached Annex II.

(b) National Action Plan on Gender Equality

27. The MJPO (Equality Unit) is at the final stage of drafting the new NAPGE 2014-2017, in close collaboration with all government departments, women's organizations and other NGOs, academic institutions and human rights bodies. This new plan, which will be the successor of the previous NAPGE, includes the following six thematic areas/objectives: (a) The institutional reform for the effective implementation of gender equality; (b) The law reform/improvement of legislative framework; (c) Balanced participation of women and men in public and political life; (d) Combating all forms of violence against women; (e) Economic empowerment of women and; (f) Elimination of gender stereotypes.

28. The interim report on the evaluation of the implementation of the NAPGE, covering the period 2007-2010, that was carried out in 2011, revealed that significant progress has been made in the areas of employment and combating violence against women, while little progress has been observed in the areas of education, mass media and political participation, areas which primarily reflect social attitudes and stereotypes. It, further, revealed that the involvement of sectorial Ministries in the promotion of gender equality has been strengthened and the local authorities have become more active on gender equality issues.

29. The new Strategic Plan on Equality between Women and Men 2014-2017 has been drafted taking into account the NAPCVF (2010-2013), the NAPTHB (2010-2012 and 2013-2015), the European Strategy on Equality between Women and Men 2010-2015, the developmental Strategy «Europe 2020», as well as the European Pact for Gender Equality 2011-2020.

30. The MOEC is focused on ensuring equal opportunities in education for men and women on a non-discriminatory basis at all levels of education. The Ministry has formed an Interdepartmental Committee with representatives from all its departments and services. This Committee oversees and coordinates all gender equality issues related to actions taken. The work of the Committee has resulted to the development of an NAPGE (2014-2017), targeting to the inclusion of gender equality in matters related to the structures of the educational system and to the teacher in-service training. Examples of the implementation of the NAPGE are: (1) Training courses aiming to raise awareness on gender issues related to the gap between men and women in labour targeting to all teachers in primary and secondary education, all career counselors in secondary education and all inspectors in primary and secondary education; (2) Training of teachers and parents on issues related to gender, through school-based training seminars and programmes; (3) Workshops for teachers in primary and secondary education; (4) Conducting surveys on the needs and aspirations of women of diverse cultural background and of their children and creating educational/professional structures aimed at providing language skills and professional orientation; (5) In-service training of teachers on issues related to prevention and combating delinquency with reference to transgender relationships: (6) Organizing conferences / seminars on gender issues for teachers of all levels; (7) Implementing programmes in schools with the aim of promoting gender equality and respect among all children in class, irrespective of their background or gender and;(8) Workshops for teachers and pupils aiming at the promotion of equality and inclusion.

31. Moreover, in an effort to provide easy access to relevant material and good practices for an education on Gender Equality, the Pedagogical Institute has launched a webpage in Greek dedicated to Gender Equality, which includes useful information, bibliography and material that teachers can use to ensure equal opportunities of both genders in the learning process. The Institute in collaboration with the GECEVT and the Departments of Education, have organised an essay competition on Gender Equality between pupils. For the school year 2013-2014, the goal "Cultivating active citizenship with emphasis on social solidarity" was under emphasis. In promoting this goal actions were developed to eliminate all forms of stereotyping in the educational process.

32. There is active bicommunal civil society interest and involvement in the peace process, facilitated by the United Nations Development Programme (UNDP) and the European Union (EU).

Replies to the issues raised in paragraph 6

33. The Council of Ministers decided (Decision No. 5.317, dated 19/6/2013), to recognize children of Internally Displaced Persons (IDP) mothers as displaced persons, entitled to all rights the children of IDP fathers have regarding existing benefits. The

necessary legislative amendment was approved by the House of Representatives and published in the Official Gazette of the Republic on 27/12/2013.

34. As far as their electoral rights are concerned, children of IDP mothers are registered in the electoral list of their residential address, whereas, children of IDP fathers are registered in their fathers' place of displacement.

Right to life, prohibition of torture and cruel, inhuman or degrading treatment, family life and effective remedy (arts. 2, 6, 7 and 23)

Replies to the issues raised in paragraph 7

35. The issue of the missing persons in Cyprus remains one of crucial humanitarian concern. Turkey has failed to conduct effective investigations, in order to establish the fate and conditions of disappearance of all the Greek Cypriot missing persons. This has been ascertained by the Secretary-General of the United Nations, by the ECHR, the Committee against Torture and other bodies, all of which have called on Turkey to comply with its international obligations and take effective measures in this regard. In particular, Turkey's responsibility towards this humanitarian issue was reaffirmed by the ECHR in the Fourth Interstate Application of Cyprus against Turkey (Application No. 25781/94). The Court ruled, on 10 May 2001, that Turkey's authorities had never investigated claims by relatives that missing persons had disappeared after being detained, in circumstances where there was real cause to fear for their welfare.

36. Based on its obligations under international law, Turkey is required to launch effective investigations, both into the cases of people whose remains have been identified, as well as those whose fate is still unknown. In this respect, Turkey must provide unrestricted access to all relevant information in its archives, as well as to allow complete and unrestricted access to military zones in the occupied areas of Cyprus, in order for exhumations to be carried out where there is substantial information of the existence of burial sites of missing persons. This would contribute substantially towards facilitating and accelerating the work of the CMP. Currently, there are more than 30 areas classified as military zones where reliable information exists on the presence of mass graves and for which the CMP is awaiting permission from the Turkish army to begin excavations.

37. The humanitarian mandate of the CMP, which operates under the auspices and with the participation of the United Nations, is to conduct investigations in order to establish the fate of all the missing persons in Cyprus. It should be stressed that Turkey's responsibilities on this humanitarian issue go well beyond the mandate of the CMP. This was reaffirmed by the Committee of Ministers of the Council of Europe on 7 June 2005, in the Interim Resolution concerning the judgment of the ECHR of 10 May 2001 in the Fourth Interstate Application of Cyprus against Turkey, which recalled that the Court found that "the respondent state's procedural obligations at issue cannot be discharged through its contribution to the investigatory work of the CMP. The Court notes that, although the CMP's procedures are undoubtedly useful for the humanitarian purpose for which they were established, they are not of themselves sufficient to meet the standard of an effective investigation required by Article 2 of the Convention, especially in view of the narrow scope of that body's investigations."

38. The Government spares no effort in assisting the CMP in its work and has undertaken a number of steps in order to address this humanitarian issue and provide the families of the missing persons with some relief. In this respect, exhumations and investigations into cases of missing persons by the competent authorities have been taking place in the Government-controlled areas since 1999. A DNA and an Ante-mortem Data Bank established by the Government served to collect necessary information from the

relatives of missing Turkish Cypriots and of others killed during the period 1963-1964 and 1974. All information collected was also later passed on to the CMP.

39. All the expenses emanating from investigations, excavations and identifications carried out in the Government-controlled areas are solely borne by the Republic and do not burden the CMP's budget in any way.

40. According to consistent standing practice, the Greek Member of the CMP informs the Attorney General of the identification and/or finding of remains of Turkish Cypriots who had gone missing during the inter-communal violence in 1963 and 1964 and during the 1974 Turkish invasion. Upon receipt of such information the Attorney General directs the Chief of Police to carry out investigations to ascertain the circumstances of the death of the missing persons and whether this was the result of unlawful acts, and in such a case, to identify and punish those responsible. In the past few years the ECHR rejected as premature due to the fact that investigations were underway, individual applications submitted by relatives of Turkish Cypriot missing persons alleging that the Republic has not conducted any investigations into their relatives' deaths (see among others Emin and others v Cyprus and six other applications, application no. 59623/08, Gunezel and others and other applications v Cyprus, application no. 30979/10). The same Court rejected further individual applications by relatives of Turkish Cypriot missing persons due to the fact that the investigations that had been carried out had not been shown to have infringed the minimum standards established by the European Convention on Human Rights (article 2) (see among others Gurtekin and others v Cyprus, Akay and others v Cyprus, Eray and others v Cyprus, applications nos. 60441/13, 68206/13 and 68667/13).

41. The Government has published the list of names of both Greek Cypriot and Turkish Cypriot missing persons. The families of the Turkish Cypriot missing persons were informed in 2003 that they could have access to the information secured by the Government in relation to the investigations and to any possible results in order to determine the fate of their missing relatives. Information in the possession of the competent Government services concerning the fate of the Turkish Cypriot missing persons of the period 1963-1974 and of their burial places, has also been conveyed to the International Committee of the Red Cross. Out of a total of 502, there are currently still 174 Turkish Cypriot missing persons, for which investigations are continuing.

Replies to the issues raised in paragraph 8

42. The Police is very sensitive on issues regarding ill-treatment and use of force by its members. If a person believes that he/she has been discriminated, ill- treated, or his / her human rights have been violated by the Authorities, he/she has the right to file a complaint. There are several mechanisms and procedures within the Police that ensure prompt and impartial investigation of allegations of police misconduct, ill-treatment such as disciplinary and criminal procedures, the Police Audit and Inspection Unit and the Police Standards Directorate. There are also several independent authorities for the investigation of such alleged cases: the IAIACP, the Attorney General with the appointment of criminal investigators, the Ombudsman and the CCR. These mechanisms, aim at the objective investigations of complaints, as well as the reduction or even the elimination of any inappropriate behaviour from the members of the Police.

43. In 2013, only 1 case was recorded pursuant to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (ratified by L.235/90) (Arts. 3, 5, 6) filed by 2 Russian citizens against 2 members of the Police. The case is under trial. For the years 2011 and 2012, no similar cases were recorded.

44. Cyprus Police Academy provides educational programmes on combating torture and ill treatment by police members, at all levels of Police training. Specifically, such courses

aiming to educate Police constables of all ranks are offered at the basic Training Programmes for Recruiting Police Officers, at advanced courses such as the Sergeant Course, Inspector Course and Chief Inspector Course, as well and as specialized courses such as basic and advanced Crime Investigation course, courses for the members of AIU etc. Courses offered at the Police Academy in relation to human rights issues, are attached as Annex III.

45. A 14-week training program is designed for police officers who recently joined the Police Force and are appointed to work at Menoyia detention center. The training program started at the beginning of December 2012 and 100 police officers were trained at the Police Academy. This training programme includes a separate section on Human Rights. According to article 24 (5) of the Regulations 161/2011 for the Establishment and Regulation of Premises of Illegal Immigrants the training is repeated at least every six months. The AIU ensures that all education programs on migration issues (basic AIU training program, education on return matters, etc.) include human rights, rights of detainees and relevant EU directives, which relate to the detention and return of aliens. The Administration of the AIU, of Menogia Detention Centre, of the Airports Passport Control Center and the Commanders of the Divisional Aliens and Immigration Branches issue relevant circulars letters on the respect of human rights.

46. On 14/01/2014 the Chief of Police gave instructions so that all police members, who are responsible for the handling of detained persons, including irregular migrants, be trained / informed about the provision of the relevant legislation and Police Standing Orders, through lectures within each Division/Department.

47. The Chief of Police has sent numerous circular letters to all the members of the Police, stressing the importance that police officers have to attribute on the protection of human rights, the treatment of detainees, the application of the provisions of the relevant legislation, the operation while on duty, in order to avoid any possible violations of human rights, etc.

48. Following advice from the Attorney General, police practice whereby, police officers investigated administratively allegations of ill treatment by their members before the administrative file was transmitted to the Office of the Attorney General, was abolished. This practice was particularly problematic as the administrative investigation of such allegations delayed the criminal investigation that usually followed and had negative repercussions on the evidence that had to be collected and on the forensic examination of the victim.

49. The Ombudsman, in September 2013, issued a report, after receiving and investigating numerous complaints from individuals and NGOs concerning systematic use of violence during the detention centre in Menoya and throughout the deportation procedure. The Ombudsman underlined that it is absolutely necessary to take every measure in order to demonstrate that such incidents will not be tolerated by any means. She therefore suggested that the police should enforce its activities concerning constant education of its staff on the avoidance of authoritative and excessive use of violence and proposed the drafting of a relevant Code of Conduct. In addition, it was underlined that the Director of the AIU should immediately investigate thoroughly all complaints and inform accordingly the complainants.

50. After receiving a complaint regarding police violence towards a recognized refugee who was subjected to a migration check on a public street, the Ombudsman's Office, in collaboration with the Representative of the UNHCR in Cyprus and the Migration Department of the Police, is, at present, working on the drafting of a "Code of Best Practices" as regards the performance of migration control by the Police which is at the final stage of preparation.

51. In her capacity as National Mechanism for the Prevention of Torture, the Ombudsman regularly visits prison and detention facilities and submits reports with her recommendations.

52. The Office also regularly conducts trainings to police officers on issues related to human rights and discrimination.

53. The IAIACAP was set up in 2006 under *the Police (Independent Authority for the Investigation of Allegations and Complaints) Law (L.9(I)/2006, as amended)*, to investigate complaints against members of the police regarding the 3 following categories: (a) Corruption, bribery or unlawful enrichment; (b) Violation of human rights; and; (c) Actions which constitute favorable treatment or undermine the police repute.

54. The IAIACAP may carry out an investigation *ex proprio motu* into allegations of human rights violations which come to its knowledge in any manner whatsoever, and also following written complaint to it. The Attorney General and the Minister of Justice and Public Order may also assign to the IAIACAP in writing the investigation of complaints submitted to them or allegations which come to their knowledge in any manner whatsoever.

55. Members of the IAIACAP and other investigators carrying out an investigation are also subject to the Attorney General's directions and may apply directly to him for directions respecting the conduct of the investigation.

56. The investigations carried out are criminal ones. Members of the IAIACAP and other investigators carrying out an investigation are expressly given by the Law all the powers possessed by the police force in the investigation of crimes under *the Criminal Procedure Law (Cap. 155, as amended)*.

57. Statistics on criminal cases regarding allegations of ill-treatment by the Police (2006-2013), are attached as Annex IV.

58. The IAIACAP examines the evidential material collected in the investigation and if in its view it discloses that a criminal act may have been committed the investigation file is transmitted to the Attorney General with the IAIACAP's views and suggestions, for evaluating the evidence and deciding whether to proceed or not with a prosecution. If it discloses that disciplinary act may have been committed, the investigation file is transmitted to the Chief of Police for taking disciplinary action. The IAIACAP informs complainants in writing respecting the outcome of its investigations.

59. By a decision of the ECHR dated on 18 June 2009 (application no. 20198/05 by Morteza Mollazeinal v Cyprus), it was found that the IAIACAP is an independent authority, not linked in any way, hierarchically or institutionally, to the Police, and that, in the case concerned the investigation carried out by the IAIACAP was sufficiently thorough to meet the requirements of Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Replies to the issues raised in paragraph 9

60. Any use of force is limited and regulated by *the Criminal Code (Cap. 154, as amended)*, *the Criminal Procedure Law (Cap. 155, as amended)*, the Police Disciplinary Regulations and the Police Code of Ethics. Detailed information is included in Annex V.

61. As regards the use of tear gas, it is avoided and they are used only when it is strictly necessary. The use of tear gas is regulated by the Police Standing Order 5/53 "Chemicals" which provides that the use of tear gas is made by trained members and only for the repression of riots, rebellions and other incidents of mass violence, in order to control the crowd and restore order. Tear gas is used only: (i) When conventional policing methods have been tried and have not brought the desired results; (ii) When there is no other way to

address the situation; and (iii) If the non-use of tear gas will cause greater harm, such as injury, damage to property, etc.

62. The Police Standing Order is taught at the Cyprus Police Academy to all new recruits and the use of tear gas is also taught during the practical training of the Mobile Emergency Response Unit.

63. All Police Standing Orders are accessible to all police members through the informational portal website.

Replies to the issues raised in paragraph10

64. In accordance with article 4(a) of *the Refugee Law {L.6 (I)/2000, as amended}*, at a refugee or an applicant is to be neither deported nor sent to the borders of a country where his life or freedom will be put at risk or where he will be subjected to torture or inhumane or degrading treatment or persecution for reasons of sex, race, religion, nationality, membership to a particular social group or political opinion. The Cyprus Authorities ensure that they fully respect both the principle of non-refoulement as well as the right to access to the asylum procedures in the Republic as follows:

(a) In order to identify victims of torture and trafficking, a screening procedure is initially conducted, by a competent officer of the Asylum Service, at the time of the submission of the application, aiming towards the identification of persons that possibly belong to such vulnerable groups, so that any special needs are taken into consideration during the examination of the application. On the other hand, the identification may take place during the interview for international protection. Therefore, if such individuals are identified, the competent services are informed and all the necessary measures are taken. In case the applicant is a victim of THB and sexual exploitation, the relevant department of the Police and the SWS are informed and in case the applicant is a possible victim of torture, the person is referred to the MOH for the appropriate medical examination, by the appointed Medical Council. The potential victims of THB are informed about their rights and opportunities provided to them by *the Preventing and Combating of Trafficking and Exploitation of Human Beings and Protection of Victims Law {L.60 (I)/2014}*. Irregular migrants are not excluded from the above provision. The victims of THB and the victims of torture are referred to psychological services and health services;

(b) The Asylum Service examines every case on its own merits. Therefore, individual interviews are conducted before the Asylum Service. The assessment of an application for international protection is to be carried out on an individual basis and its taking into account all the necessary country of origin information and especially information by the UNHCR. If the applicant for international protection credibly establishes fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it, he/she is granted refugee status according to *the Refugee Law {L.6 (I)/2000, as amended}* and the Geneva Convention;

(c) The applicant has the right to appeal a deportation decision to the Supreme Court under Article 146 of the Constitution. (d) Regarding Baha'is religion, in accordance with article 4(a) of *the Refugee Law {L.6 (I)/2000, as amended}*, if the applicant establishes a well found fear of persecution because he belongs to Baha'is religious minority group, then refugee status is granted. Regarding the right of family reunification, as the European acquis foresees, refugees enjoy the right to it.

Replies to the issues raised in paragraph 11

65. The provision in Article 54 of *the Children's Law (Cap. 352, as amended)* relating to "the right of any parent, teacher or other person having the lawful control or charge of the child to administer punishment", has been abolished by a law which came into force on 20 June 2013.

66. Concerning awareness raising and public education campaigns, the AC for the Prevention and Handling of Violence in the Family regularly carries out awareness raising campaigns through the publication of relevant material, seminars, events, etc.

67. The MOEC has issued a circular in 2009 addressed to all head teachers of public schools indicating that any form of corporal punishment in schools is strictly prohibited. Head teachers were asked to discuss the circular during staff meetings and consider it as a high priority. A relevant clause is included in the Operation of Public Secondary Education Schools (Amending) Regulations (2011), which regulate the operation of public secondary schools. At the same time, the annual circular giving instructions and information for the smooth functioning of schools, stresses to the teaching staff that corporal punishment is prohibited. The Task Force on School Violence, the Educational Psychology Service, and the Counselling and Careers Education Service help school units in developing AP that promote alternative forms of discipline which are non-violent.

Right to liberty and security and the treatment of persons deprived of their liberty, including conditions of detention, rights of migrants, refuges and asylum seekers (arts. 8, 9 and 10)

Replies to the issues raised in paragraph 12

68. The provision in *the Aliens and Immigration Law (Cap. 105, as amended)* showing that detention is a measure of last resort, is included in Article 18 ΠΣΤ. In compliance to this Article, a third country national who no longer has the right to remain in the Republic is asked in writing to depart within a specified period which is assessed according to the individual situation of each person.

69. Only in cases of non-compliance with this decision the MOI proceed with the issue of a removal order, which is usually accompanied by a detention order. These removal and detention orders are being executed when the person is located, usually by chance, sometimes long after their issue. In addition, in many cases where a third country national is finally apprehended on the basis of a removal and detention order, if he seeks a period to settle his affairs in the Republic and depart voluntarily, he is released from custody under such conditions to safeguard his departure.

70. Alternatives to detention are stated in Article 18ΟΘ (3) of *the Aliens and Immigration Law (Cap. 105, as amended)* and are the same alternatives enforced in the Republic in the cases of voluntary departure.

71. Detention ceases to be justified and the person in detention is immediately released when a reasonable prospect of removal no longer exists.

72. Regarding detention of asylum seekers, the Acting Director of the Civil Registry and Migration Department has already instructed the AIU of the Police to immediately release all asylum seekers currently held under detention orders based on the provisions of *the Aliens and Immigration Law (Cap. 105, as amended)*. Simultaneously instructions have been given to follow this procedure in the future until *the Refugee Law {L.6 (I)/2000, as amended}* is amended and the provisions for detaining asylum seekers are in line with the EU acquis.

73. Detention cases are reviewed by the Acting Director every two months in order to secure that the repatriation procedures are followed. In cases where repatriation is proved to be impossible at the moment, the detainee is released. The maximum period for detention is 6 months, with the right to renew it up to 18 months, provided that the delay is resulting from the lack of cooperation on behalf of the detainee.

74. The lawfulness of detention may also be challenged with a habeas corpus application which is a much speedier procedure. It can be sought by a prisoner so that he can be released from unlawful detention. The discretion of the court is to determine whether deprivation of liberty of a person is by law justified or not.

75. Return decisions, decisions on removal and entry bans are issued in writing and give reasons in fact and in law as well as information about available legal remedies. These decisions are usually issued in English. The national law grants the third-country national the right to judicial review and he/she is immediately informed about the possibility of taking such proceedings in writing together with the letter that notifies him of the existence of a detention order. Article 18PD (2) explicitly mentions that the translation includes information on the available legal remedies and that the translation has to be done in a language the third-country national understands or may reasonably be presumed to understand, if he requests so.

76. Usually the available legal remedy is to challenge these administrative decisions by filing an application to the Supreme Court under Article 146 of the Constitution. In these cases the Supreme Court acts as a court of administrative jurisdiction.

77. As a response to recommendations made by national and international bodies, including treaty bodies, a new upgraded detention centre for prohibited immigrants subject to deportation began operating in January 2013 in Mennoyia, with a capacity for 256 persons. Menoyia Detention Center is established by *the Prohibited Immigrants Detention Law {L.83 (I)/2011}* and Regulations (161/2011) for the Establishment and Regulation of Premises of Irregular Migrants. All rights provided by the Law and Regulations are granted to all detainees held at Menoyia Detention Center. The police staff assigned to this Centre was specially trained on human rights issues and anti-racism laws and policies. Re-training is programmed to take place twice a year. A significant development for the smooth operation of this detention centre, is the establishment, pursuant to *the Prohibited Immigrants Detention Law {L.83 (I)/2011}* of: (1) the Committee for Supervision of the Illegal Immigrants Detention Centres (Supervisory Committees) by the Council Ministers (Decision No. 74.638, dated 5/2/2013), and (2) the Complaints Committee of the Prohibited Immigrants Detention Centre in Menoyia, by a Decision by the Council of Ministers on 5/5/2013. The Supervisory Committee supervises monitors and checks the operation of all detention centres, whereas the Complaints Committee for the Menoyia Centre examines: (a) complaints submitted by detainees regarding their detention/treatment; and; (b) appeals by the detainees against decisions of the Director of the Centre. The Minister of Justice and Public Order, at a meeting with the Complaints Committee, emphasized the importance of safeguarding human rights in Cyprus and stressed that no racism should be tolerated. On the contrary, there should be respect of the dignity of every human being, and Cyprus does and will continue to abide by the principles of the human rights treaties to which is a party.

78. Pursuant to article 7(4) of *the Refugee Law {L.6 (I)/2000, as amended}*, the detention of an applicant solely because of his status as an asylum seeker and the detention of a minor applicant are prohibited.

79. It is noted that cooperation has been established with the Cyprus Red Cross in organizing games and other activities. The Police in cooperation with Cyprus Red Cross is also preparing a Program, which is funded by the Norwegian Funds, which will provide

psychosocial support to the detainees of Menoyia Detention Center, as well as to the families of these persons.

80. Cyprus Police requested the assistance of foreign Embassies in Cyprus and the Cyprus Red Cross, to provide all detention centers, including Menoyia Detention Center, with books in different languages. These books were provided to detainees in order to occupy themselves creatively.

81. The Menoyia Detention Center is often inspected by a number of organizations and groups from Cyprus and abroad [Ombudsman, Parliamentary Committee on Human Rights, Cyprus Red Cross, NGOs such as KISA (Action for Equality, Support, Anti-racism) and Amnesty International, Representative of the UNHCR, which are dealing with the monitoring of human rights.

82. Detainees are clearly informed of their rights without delay and in a language which he/she understands. Moreover, immigrant detainees are immediately handed out a leaflet of their rights and communication rights, pursuant to *the Premises of Detention of Irregular Migrants Law of 2011 {L.83 (I)/2011}* and relevant regulations and they are asked to sign a statement attesting that they have received a copy of their rights, so as to avoid any discrimination practices. These rights are also placed inside the detention centre so that the detainees have access to them. Information on their rights is available in 13 languages (Greek, Turkish, English, Russian, Romanian, Bulgarian, Sri Lankan, Polish, Chinese, Iranian, French, Arabic and Vietnamese).

83. Pursuant to *the Legal Aid Law {L.165 (I)/2002, as amended}*, free legal aid is granted in proceedings before the Courts of Cyprus in, inter alia, civil and criminal proceedings for specific violations of human rights , including violations related to the International Covenant on Civil and Political Rights. More details are attached in Annex VI.

Replies to the issues raised in paragraph 13

84. Pursuant to *the Legal Aid Law {L.165 (I)/2002, as amended}*, free legal aid is provided to an applicant for international protection, during first instance appeal proceedings, filed before the Supreme Court under Article 146 of the Constitution, against an adverse decision of the Head of the Asylum Service or the Refugee Reviewing Authority, provided that the appeal "is likely to succeed".

85. In addition, free legal aid before the administrative bodies responsible for examining applications for international protection, is included in the national programmes of the European Refugee Fund and is provided by NGOs.

Replies to the issues raised in paragraph 14

(a) Immigration detention centre

86. The wings 9 and 10 of the Central prison which were used as immigration detention places are closed and the buildings were returned to the Central Prison Department since August 2013.

87. The detention center in Menoyia which operates since March 2013 with a capacity of 256 detainees, has an average of 100 persons. Therefore, since last year, the immigration detention center is not overcrowded.

(b) Central prison

88. The capacity of prisons in 2012 was approximately of 340 inmates, and the year ended with a prison population of 694 inmates. This figures can be found in the Annual Penal Statistics of the Council of Europe, SPACE I, which was released in April 2014.[1]

89. Aiming to improve the overall quality of life in prisons and reduce overcrowding to the minimum, there has been an increase of the prison capacity to 469, whereas the prison population has been decreased to 537.

(c) Measures taken to Prevent Cases of Death in Custody and suicides

(i) *Change of culture of the prison staff and police*

90. The measures and the initiatives launched by the Government are convergent to the changing of culture of the prison staff and police, aiming to eradicate any form of torture, ill treatment, excessive use of force and deter any cases of deaths in custody and suicides. There have been efforts to build partnerships with the public and civil society, in order to create an environment of mutual trust, and prevent/combat crime.

91. At the same time, the Government shows zero tolerance to any possible inappropriate behaviors, ill-treatment, racist attitudes, excessive use of force and means of restraint by members of the Police.

92. Towards this direction, the Government has taken the following measures and actions: (1) Any allegations of ill treatment and excessive use of force by police are investigated; (2) Public, Civil Society and NGOs have direct access and communication with the MJPO in order to bring about constructive dialogue and yield concrete solutions to the problems of the people caused by Police, in a more impartial manner; (3) A high ranking officer from the MJPO was appointed as the liaison of the MJPO, Police and Public. Inter alia, she manages various complaints made by the public against police, i.e. ill treatment, physical attack, misconduct, corruption etc. Likewise, an expert on detention issues (incl. prisons) manages complaints by the relatives of the prisoners or by the prisoners per selves, as she regularly visits the prison facility; (4) Recently the Minister of Justice and Public Order launched a website to which citizens have the opportunity to submit their complaints online ("Open window with the public"); (5) Independent mechanisms for monitoring human rights violations are strengthened. A bill is already pending before Parliament which makes the decisions and recommendations of the Independent Mechanism for the Prevention of Torture, binding; and; (6) The authority of the Attorney General to appoint independent criminal investigators was recently extended to cover any criminal offence which creates a new possibility to detect human rights violations.

(ii) *Education/Training*

93. New training programs have been introduced to the academy for all police officers (including high ranking officers) and the prison staff.

94. Recently the MJPO, in cooperation with the Cyprus Police Academy, Ombudsman, Psychiatric Services and Prisons Administration, have designed an introductory course for prison staff which is currently being implemented at the Police Academy. This program is of one-week duration and it includes the following topics: (1) The Law and Regulations on the Central Prisons; (2) Penitentiary Institutions / Human Rights; (3) Characteristics of

[1] Annual Penal Statistics of the Council of Europe, SPACE I, page 43.

various religions, xenophobia, racism and racial discrimination; (4) Use of Handcuffs / Truncheons; (5) Techniques in immobilizing and searching persons; (6) Discrimination and racist behavior; (7) Managing aggression; (8) Communication / multiculturalism / respect of diversity; (9) First aid; (10) First aid and basic guidelines in guarding against contagious diseases; (11) Mental illness / Prevention of Suicides; (12) Assessment of incidents / first to arrive at the scene; (13) Self – protection measures; (14) Managing critical incidents / emergencies at the Central Prisons; (15) Stress Management; (16) Negotiations / Intervention in cases of suicide attempts and; (17) Danger and risk assessment.

95. This course is repeated every two weeks as it will be attended by all Prison Staff.

96. Members of the AIU receive regularly theoretical and practical training on a wide range of human rights issues, diversity, multiculturalism, rights of detainees, treatment of detainees, communication skills etc., in an effort to reduce ill treatment to the minimum.

97. Prison staff and police officers have participated in a program which was delivered in May 2014, by experts from Vienna Universities, Human Rights Institutes, and other experts in the field of the prevention of Torture.

98. Some of the topics included in the four-day seminar are the following: (1) Convention against Torture – obligations; (2) Istanbul Protocol – legal aspects of the investigation of torture; (3) Investigation of torture and deaths; (4) Reviewing of the basic aspects of the medical examination of victims including visual documentation and tools that will convey a general understanding of the differences between diagnostic and forensic approaches; (5) Documentation of torture evidence (photos, testimonies, medical and forensic evidence) and; (6) Other issues related to the identification of tortured persons deprived of their liberty, investigation and documentation of such cases.

99. Henceforward, an ongoing training will be delivered to the prison staff, in an effort to enhance their communication skills and promote respect of human rights. More modules will be introduced tailored to the needs of the Prison Officers.

100. Currently, the MJPO and the University of Cyprus (with the cooperation of different Schools and Departments of the University) are in the process of designing modules for the prison staff as well as one-day seminars for the detainees for panel discussion.

101. The programs aim to improve the working environment in prison in general and in particular the relations of the prison administration, staff and inmates, through learning.

(iii) *Suicide prevention measures*

102. Measures taken to prevent cases of suicide are listed below:

(1) An expert posted in the Minister's Office of MJPO, has conducted a research on the issue by reviewing relevant literature and by taking input from various sources and stakeholders (i.e. from the prisons medical staff, inmates, Ombudsman, relatives of the inmates etc.) and prepared guidelines for the prevention of suicides and attempts to commit suicide;

(2) A short set of guidelines (i.e. 10-15 minute checks) was prepared and disseminated to all officers in the wings;

(3) Classification of prisoners;

(4) All the inspectors are placed in the offices within the wings;

(5) The vulnerable persons were identified by the prison management through observation – warning signs and were assessed by the prison doctors. Most of them were sent for psychiatric therapy;

(6) Specific instructions are recorded every day for the vulnerable persons of each wing and are disseminated to the heads of the shifts, etc. and;

(7) There is a daily communication and sharing of information between the prison management, the prison doctors, and the Ministries (MJPO and MOH) about vulnerable persons.

103. Recently the expert of the Minister's Office of MJPO together with the Ombudsman's Office, have conducted a research and prepared a manual on "Guiding principles for the prevention of suicides in prisons and detention places" which is in line with the guidelines of the WHO. The manual includes a comprehensive practical guide for the practitioners. It was released in April, 2014.

104. In the context of suicide prevention, issues related to this matter such as identification of inmates under suicidal risk, development of interpersonal communication skills, etc., are now comprised in the training modules for prison staff.

105. Moreover, a special facility ward 10 which was completed on the 31 July 2014 accommodates vulnerable inmates under suicidal risk. The prison officers who staff this unit have undergone a one-week intensive training designed by experts from the psychiatric services.

(iv) *Investigation of Deaths in Custody*

106. For every case of death of an inmate a thorough investigation is carried out by independent criminal investigators appointed by the Attorney General, to ascertain, inter alia, the cause of death, the facts leading up to the death, including any actions missed that could have prevent the death.

107. A postmortem examination is carried out by a coroner and the Prison Department is informed of the outcome after the completion of the case.

(v) *Inter-prisoner Violence*

108. For any possible case of inter prisoner violence or gang rape is brought to the attention of the MJPO or to the Administration of the Prison Department, the perpetrators face the consequences of the law. All vulnerable inmates or those who are considered potential victims of violence are regularly monitored by the prison staff.

(vi) *Use of Solitary Confinement*

109. As of September 2014, the solitary confinement is being used as a correctional measure, and only in cases of serious misconduct, as the over controlling approach and practices have been terminated with the new policies introduced by the MJPO.

110. Usually, the solitary confinement does not exceed the two days, and the inmates are allowed to outdoor exercise for one hour every day.

Violence against women and children, including domestic violence (arts. 7 and 23)

Replies to the issues raised in paragraph 15

111. In accordance with *the Violence in the Family (Prevention and Protection of Victims) Law {L.119 (I)/2000, as amended}*, services are provided to all victims of violence in the family. The Government implements various policies and measures to combat domestic violence- encouragement to report cases of violence, awareness-raising

campaigns addressed to the general public and women in particular, systematic training of professionals working in the field, strengthening of the Police Domestic Violence and Child Abuse Office, Government support to NGOs providing protection and assistance to women victims, improvement of data collection, as well as the development of research in the field.

112. The Manual of Interdepartmental Cooperation on Domestic Violence (a cooperation between government agencies and NGOs), provides a framework of how professionals should collaborate and focuses on interdepartmental cooperation. It is addressed to those who work in the SWS, the Police Force, the Health Services, the Educational Services, the Law Office of the Republic and the relevant NGOs. It is currently being amended and it is expected to be submitted to the Council of Ministers by the end of 2014.

113. The mobilization of NGOs concerning the prevention and handling of violence in the family: Through the Grants-in-Aid Scheme, financial and technical support is provided by the SWS to the APHVF. In 2012, the amount of €224.000 was provided for the support of the Crisis Centre, the Shelter and the European Support Hotlines (e.g. for missing children, support of children, etc.). Furthermore in 2013, through state aid according to Regulation 360/2012, a total amount of €127.000 (out of which €30.000 was for the development of a new shelter) was provided to the APHVF.

114. Officers of the MOH, MOEC, MJPO (Police) and MLWSI (SWS) have a mandatory duty to report to the Attorney General's Office any referrals regarding concerns, suspicions or evidence of family violence including domestic violence. Additionally, in accordance with article 35A of *the Violence in the Family (Prevention and Protection of Victims) Law [L.119 (I)/2000, as amended]* any person who omits to report a case of violence against a minor or a person having severe mental or psychological deficiencies, which came to his or her knowledge, commits an offence.

115. Data collection has been improved with regard to the victims' willingness to contact for help using the national Helpline that operates daily, including holidays and weekends, free of charge. The Helpline, operated by the APHVF since 1990, offers counseling support, information and puts victims in contact with other services dealing with domestic violence, and information concerning victims' basic rights and options; thus, more and more women are encouraged to report cases of violence. During the last 5 years (2009-2013) the Helpline handled 6080 cases with an average of 1216 cases per year.

116. The ACPCVF, established in 1996, aims to create a data bank on family violence. The Committee (comprised of Government competent agencies and NGOs (APHVF, Association of Psychologists, Mediterranean Institute of Gender Studies, Association for Promoting Psychological Health of Children and Teenagers, Family Planning Association) is in the process of drafting the new NAPPCVF 2015-2017.

117. There are currently two shelters for victims of violence in the family operated by the APHVF.

118. Moreover, the Ombudsman, in her capacity as NIAHR, examined the legislative and institutional framework for the combating of domestic violence. Identifying certain limitations in the law, she suggested, through the submission of a relevant report (January 2013) that Cyprus should ratify and implement the Istanbul Convention on Preventing and Combating Violence against Women and Domestic Violence, which sets up a comprehensive policy and concrete measures to this end.

119. The Ombudsman's Office is organizing a national campaign that aims to raise awareness and promote the message of zero tolerance to all forms of violence against women and girls in Cyprus. The campaign is co-funded by the European Commission, through the "*Progress*" Programme. Among other actions, there are plans to organize and deliver a number of training seminars to key professionals, mainly public officers, so as to

raise their awareness and knowledge on the issue of violence against women, their ability to identify and deal with cases of violence against women and their responsiveness to the needs of the victims. One of the training seminars will be targeting specifically health professionals (general practitioners, gynecologists, dentists, pediatricians, nurses etc.).

120. Also, the Ombudsman in her capacity as NIAHR, has issued a report (February 2014), on Female Genital Mutilation stressing out the importance of adequate and specialized training to health personnel in order to be able to address the needs and provide support to victims of FGM.

121. As the NIAHR, the Ombudsman proceeded with a thorough investigation of the legal and institutional framework for supporting victims of THB, as well as for combating and preventing THB in Cyprus. The investigation resulted in the submission to all competent authorities and NGOs of an overall Report concerning the anti-trafficking framework and the problematic aspects of its implementation. Thereafter, the Ombudsman organized a round - table discussion with all the stakeholders involved to discuss the different aspects of THB and find solutions to improve the current deficient framework to better protect the victims of sex and/or labor trafficking.

122. The Ombudsman's Office also contributed to the preparation of an awareness campaign, broadcasted by ten Cyprus wide radio stations for almost two months, and aimed at minimizing the demand on services provided by victims of sex/labour trafficking. Finally, last July, the Ombudsman co-organized (along with the Public Academy of Civil Administration and Mediterranean Institute of Gender Studies) a training of civil servants on issues related to sexual exploitation of women as a form of human trafficking.

123. As regards cases of domestic violence, relevant statistics can be found at: http://www.police.gov.cy/police/police.nsf/All/C9BFA7DE16FE68E5C2257CB60035CBF1/$file/Family%20Abuse%20Cases.pdf, as well as, in the attached Annex VII.

124. The Police handles incidents and / or issues concerning domestic violence within the context of relevant laws as well as within the context of the agreed procedures as set out in the Interdepartmental Handbook for the handling of Domestic Violence, cooperating with all relevant government agencies and NGOs, and supporting any person within the Republic that seeks its support.

125. Concerning the recommendations of the Ombudsman on Domestic Violence, relevant consultations took place at the Ombudsman's Office in October 2014.

126. Additionally, Cyprus Police Academy provides educational programmes on domestic violence issues, at all levels of Police training. Such courses aiming to educate Police constables of all ranks are offered at the basic Training Programmes for Recruiting Police Officers, at advanced courses such as the Sergeant Course, Inspector Course and Chief Inspector Course, as well and at specialized courses such as basic and advanced Crime Investigation course, courses for the members of Aliens & Immigration Unit etc. The following courses are offered at the Cyprus Police Academy, to address domestic violence issues: (1) Handling juvenile victims of domestic violence and; (2) Training on domestic violence issues.

Elimination of slavery, servitude and forced labour (art. 8)

Replies to the issues raised in paragraph 16

127. The MSWSI strives, through its complaint resolution procedures, to protect the rights of all workers that are employed in Cyprus, which can either be Cypriots, EU nationals as well as workers from third countries. Especially for migrant workers, a mechanism for resolving complaints is established at each District Labour Relations Office,

whereas complaints regarding violations of their employment contract are examined. The Department has redesigned its mechanism, in order to examine each complain within 3 weeks from the date that it is received.

128. The complaints of migrant workers, which include both domestic workers and laborers, are firstly filed in the Aliens and Immigration Department, where they are stamped and recorded, and then the District Offices of the Labour Relations Department undertake to invite both parties at its premises in order to investigate the complaints and seek a mutually acceptable solution on amicable terms. During the investigation, their complaints and any other relating issues are recorded in writing. The whole procedure is done both in Greek and in English, so as to achieve a clear understanding of each party` s positions.

129. The Labour Relations Officer's report is then sent to the Migration Department for final decision. In the case where a violation of the employment contract is revealed, remedies are imposed to employers, through legal procedures and other internal mechanisms to ensure that such violations will not be repeated. In addition, permission for new employment is given. Moreover, during the investigation of the complaints the Labour Relations officer, identifies trafficking issues or sexual exploitation attempts, and then the complaints are sent to the competent authorities for further actions. This procedure is additional to the legal right of the employees to proceed to the Labour Disputes Court.

130. In total, during the year 2013, 245 complaints have been resolved, out of which 208 complaints involved domestic workers (85%) and 37 complaints involved agriculture workers (15%). From January to September 2014, 141 complaints have been resolved, out of which 121 complaints involved domestic workers (85%) and 37 complaints involved agriculture workers (15%).

131. Furthermore, during the year 2013, 30 complaints have been resolved through the migrant worker's decision to willingly return back to his/her employer, something that is considered a win-win scenario. 19 complaints involved domestic workers (63%) and the remaining 11 complaints involved labourers (37%). From January to September 2013, 19 complaints have been resolved through this mutually accepted preserving of the employment relationship, out of which 15 complaints involved domestic workers (79%) and the remaining 4 complaints involved labourers (21%).

132. As far as inspections are concerned, since April 2009, joint inspector units were established, in order to inspect enterprises for employees that are not registered with the Social Insurance Fund (undeclared work). These Units consist of inspectors from the Social Insurance Services, the DOL and the DLR.

133. During 2013, the joined inspection units reported 636 both undeclared and illegal cases of third country nationals, out of a total inspection sample of 7341 employees (8.7%). According to figures, 338 illegal third countries nationals were working in the construction industry, 38 employees in the hotel-accommodation industry, 111 in food and beverage service activities and 149 in various kinds of business entities.

134. The protection and safeguarding of employee rights and the improvement of living and working conditions is ensured through labour legislation that determines and safeguards minimum terms of employment, while providing for a number of other rights and obligations for both employees and employers.

135. Terms of employment of foreign workers in the areas of farming, agriculture, industry and commerce are those provided in collective agreements so as to safeguard equal treatment between all workers in Cyprus. The gross salary stated in the contract of employment for foreign workers is the one provided in collective agreements so as to safeguard equal pay. As far as domestic workers are concerned, terms of employment are

set by a Ministerial Committee, since there is no collective agreement in force. By decision of the Council of Ministers, a technical committee has been established to give recommendations regarding wage, and other terms of employment of domestic workers. The contract of employment of domestic workers specifies, among other, working hours, weekly days of leave as well as paid national holidays. Moreover, the employer is obliged to provide accommodation, medical insurance, food, visa fees, travel ticket to Cyprus and repatriation ticket as well as a return ticket to visit their country every 2 years. *The Safety and Health at Work Law {L.33 (I)/2011, as amended}* include domestic households. All relevant regulations now also cover domestic workers.

136. Informative leaflets on rights and obligations of foreign workers have been published in six languages (Greek, English, Arabic, Russian, Romanian, Sri Lankan). Also the contracts of employment of foreign workers (general contract and contract for agricultural workers) have also been translated in English, Chinese, Arabic and Sri Lankan.

137. *The Private Employment Agency Law {L.126 (I)/2012, as amended}* regulates the establishment and operation of private employment agencies. The offenses described in *the anti-trafficking Law {L.87 (I)/2007, as amended}*, have been included in the above mentioned Law. The new law sets the conditions and the qualifications that need to be fulfilled in relation to natural or legal persons operating such agencies. The criminal record of the applicant (natural person, legal person or cooperation) is examined, in order to safeguard that the persons involved in the operation of such agencies, have not been convicted for offences, such as sexual exploitation, or THB, or any other serious criminal offence. The relevant authority may revoke the license of such an establishment if the person responsible for the operation of the office or any of the Directors in case of company or any of the partners in case of partnership, has been convicted for an offense related to THB. In November 2013, the MLWSI provided training to the owners of Private Employment Agencies on the Law provisions. THB related issues were included in the training.

Replies to the issues raised in paragraph 17

138. The Prevention and Combating of Trafficking and Sexual Exploitation of Persons and of *the Protection of Victims Law of 2014 {L.60 (I)/2014}* which came into force on 15.4.2014 makes a more holistic and effective approach for the prevention and combating of THB, by harmonizing with the: (1) Framework-decision of the Council of 15 March 2001, as regards the status of victims in relation to criminal proceedings (2001/220/JHA); (2) Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities; (3) Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011, on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA; and for purposes of better implementation of the (1) United Nations Convention against Transnational Organized Crime of 15 November 2000 and Protocols; (2) Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 21 March 1950; (3) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, 25 May 2000; and (4) Council of Europe Convention on Action against Trafficking in Human Beings.

139. In accordance with article 47 of *Law 60(I)/2014*, any victim, regardless of nationality, and regardless of whether the victim possesses his/her personal documents, provided that s/he does not have sufficient resources, has the right to:

(a) The necessary resources for subsistence, including appropriate and safe accommodation, psychological, material and financial assistance;

(b) Access free emergency medical treatment and basic free medical treatment;

(c) Translation and interpretation services, if necessary;

(d) Access educational programs; and

(e) Receive treatment of special needs arising from pregnancy, state of health, disability, mental or psychological disorder or serious forms of psychological, physical or sexual violence.

140. Any victim, who holds a temporary residence permit or certificate of identification, has the right to:

(a) Access the labour market through the Public Employment Services in the same way as Cypriot citizens;

(b) Access vocational training and education provided by the Human Recourse Development Authority under the terms and conditions of the national procedures and policy decisions of the MLWSI in relation to the employment training and education; and

(c) Access programs or systems provided by the Government or NGOs that have a protocol of cooperation or specific agreements with the concerned departments of the Republic as appropriate, for the victims' rehabilitation, which may include courses designed to improve their professional skills or preparation of their return to their country of origin.

141. Moreover, a female victim of sexual exploitation can reside in the state shelter for a period of up to four weeks, which can be extended, if required. The victims also received financial assistance. According to *the Public Assistance and Services Law {L.95 (I)/2006, as amended}*, the SWS provided financial support to victims of THB, which included accommodation expenses. In accordance with *the Minimum Guaranteed Income Law {L.109 (I)/2014}*, which was introduced on 11/7/2014, victims of THB are eligible for applying to become beneficiaries of the guaranteed minimum income provision (independent of their age or time of residence in the Republic).

142. When a Service or an NGO suspects that a person is a victim of THB, they refer this person to the SWS where the victims receive information, especially concerning their rights regarding administrative and judicial proceedings, the services that can offer them assistance, the procedure that will be followed for him/her to be recognized as victim etc., in a language that the victim can understand. The victim is then referred to the relevant Office of the Police.

143. In accordance with article 32(1) of *Law 60(I)/2014*, the Police, during the first contact with the victim, provide all the necessary information, in a language which the victim understands, with respect to the protection of the victim's interests, which include at least the following information: (a) The type of services or organizations to which the victim may seek support in relation to legal or other advice, (b) The type of support the victim may receive in relation to the criminal procedure, (c) Where and how the victim may submit a complaint against the perpetrator, (d) The procedures following the submission of the complaint and the role of the victim within the framework of this procedure, (e) How and under which conditions the victim can enjoy protection, (f) To what degree and under which conditions the victim has access to: (i) legal assistance, or (ii) any other type of advice, and, if, in the cases of (i) and (ii) the victim has such a right and (g) what conditions must be satisfied to qualify for compensation.

144. In case the victim is a child, the SWS provide counseling and information in a language the child can understand. In some cases an interpreter can be used. In cases where the child victim is under the care of the Director of the SWS, the assistance of the

Commissioner for Children's Rights is requested within the framework of article 4(1) of *the Commissioner of the Rights of the Child Law {L.74 (I)/2007, as amended}*.

145. *Law 60 (I)/2014* contains special provisions about the protection and treatment of child victims, with specific competence assigned to the CCR. Particularly, article 38(1), determines that, in cases of child victims, whose the holders of parental responsibility in accordance with the laws of the Republic are precluded from representing the child, as a result of conflict of interest between them and the child victim, the Director of SWS is appointed to represent the child in the proceedings, in cooperation with the CCR. Moreover, in cases of unaccompanied child victims, there are special provisions (article 41) which also determine the appointment of the Director of SWS to represent, in cooperation with the CCR, the child in the exercise of its rights in the criminal investigations and proceedings.

146. In addition, if a child is presumed to be a victim of THB, then the Police will interview the child in the presence of a Social Welfare officer, who is responsible to safeguard the best interests of the child. *Law 60(I)/2014* prescribes that the interviews need to take place without undue delay, in appropriate places, by specialists, if possible, and people of the same sex and that they are as limited as possible (article 38).

147. Moreover, this Law provides for the protection and promotion of the rights of victims, without any discrimination regarding sex, race, political beliefs, color, religion, language, national or social origin and association with a national minority, property, birth or other status.

148. Apart from the information the victims receive by governmental services, leaflets are given at the airport to immigrants that arrive from countries that are believed to be high risk concerning THB and the authorities they can contact. Similar leaflets have been produced by other governmental services such as the MOI, the SWS etc.

149. In accordance with article 36 of *Law 60(I)/2014*, any victim regardless of its willingness to cooperate with the prosecution authorities for the criminal investigation, prosecution or trial, has access to legal advice and legal representation to claim compensation under *the Advocates Law (Cap. 2, as amended)*, and in the case where the victim does not have sufficient financial resources, he or she has the right to free legal aid.

150. The National Coordinator and members of the MCGTHB make a special effort to ensure that all relevant government officers such as, social service officers, labour inspectors, medical professionals, diplomats, asylum and migration officers, police, prosecutors and judiciary receive systematic training.

151. A lot of specialized and systematic training takes place in order to educate police officers, especially front line responders such as immigration officers, members of the community policing and criminal investigation department's officers. These trainings include an overall awareness of the front line officers on THB issues, the evolving trends, how to deal with potential victims and persons found during police operations, identification techniques, handling of victims, etc.

152. *Law 60(I)/2014* has expanded the definition of victim to include persons trafficked and/or exploited, irrespectively of whether the person sustained damage or not.

153. Finally, new legislation on the operation of private employment agencies has been adopted in order to provide for stricter rules and better monitoring of their operation, and trainings of the owners of these agencies take place.

Legal service

154. It is worth noting that, on 3 July 2014 the Nicosia Assizes Court in the criminal case no. 23076/2013 found the accused guilty for the commission of various crimes under *the Combating of Trafficking and the Exploitation of Human Beings Law [L.87 (I)/2007, as amended]*. In particular, the accused was found guilty for the crimes of THB contrary to section 5(e) and sexual exploitation contrary to section 9(e) of the law. The defendant was sentenced in total to eight years in prison. This is a very important judgment in terms of domestic law as it is the first time that an accused is convicted for crimes arising out of the *Law 87(I)/2007, as amended*.

155. The table below presents the number of cases of trafficking of human beings that were investigated by the Cyprus Police:

	2011	*2012*	*2013*	*2014 (01/01/2014 08/10/2014)*
Dismissed	2	2	2	-
Nolle Prosecui	3	2	1	-
Acquittals	2	2	-	-
Pending trial	3	7	7	3
Otherwise disposed of & non existing	6	10	3	1
Convictions	8	16	3	3
Under investigation	2	5	7	15
Total	**26**	**44**	**22**	**22**

156. During the period 2011–08/10/2014, 30 THB cases resulted in the conviction of 59 perpetrators. The number of convictions refers to the cases that were investigated in the respective year. The attached table in Annex VIII presents details of the above mentioned convictions.

Freedom of movement (art. 12)

Replies to the issues raised in paragraph 18

157. Within the context of the bicommunal negotiations under the Secretary-General of the United Nations good offices mission, the government authorities had proposed the opening of a number of new crossing points as a confidence-building measure, which was rejected by the Turkish-Cypriot side.

Replies to the issues raised in paragraph 19

158. A partial lift to the restrictions to the freedom of movement imposed by the occupation regime took place in 2003. Upon the accession of the Republic to the EU in 2004 and since the "Green Line" does not constitute an external EU border, it was necessary to establish special rules concerning the crossing of persons, in order to secure a standard of protection of the security of the EU. Based on EU Council Regulation 866/2004, ("Green Line Regulation"), only citizens of the Republic, EU citizens and third country nationals that reside legally in Cyprus or who have entered the island through the Government-controlled areas and are in possession of valid travel documents, are permitted to cross the line, via designated crossing points. The authorities of the Republic are

responsible for carrying out checks on all persons crossing the line as well as for its effective surveillance.

159. Since its invasion of Cyprus in 1974, Turkey has implemented a systematic policy of colonizing the occupied part of Cyprus, with the aim of changing the demographic character of the island by the massive transfer of mainland Turks and ethnically cleansing the occupied areas of its Greek Cypriot inhabitants. The colonization of the occupied areas of Cyprus constitutes a grave violation of the Fourth Geneva Convention and a war crime according to the Rome Statute of the International Criminal Court. This policy by Turkey has been deplored by numerous United Nations resolutions and Council of Europe Recommendations. As such, Turkish settlers who have entered and are residing in Cyprus illegally are not permitted to cross the Green Line.

Right to a fair trial and juvenile justice (art. 14)

Replies to the issues raised in paragraph 20

160. Children under the age of 14 have no legal responsibility. Where a child between the ages of 14-16 commits an offence the case is examined by the Committee for Handling Juvenile Minors which advises the Attorney General whether or not the case will proceed to the Court.

161. In court proceedings, a socioeconomic report is prepared by the SWS, concerning the child and his/her family and environment. For children aged 14-18 the Court might decide to impose alternative sanctions, such as probation services and/or community work. In rare cases where a minor between the ages of 16-18 is sentenced to imprisonment, she/he is placed in a separate Minor's Wing in Prison.

162. Several provisions contained in *the Juvenile Offenders Law (Cap. 157, as amended)* aim at dealing with juvenile offenders in a manner taking into account their tender age and consistent with the promotion of their best interests. It is a duty of the Court to explain in simple language to the child or young person brought before it the substance of the alleged offence. Privacy is fully respected at all stages of the proceedings. Where the Court sits as a Juvenile Court, no person other than the members and officers of the Court and the parties to the case, their advocates and other persons directly concerned in the case are allowed to attend. The Court may, in its discretion, require the attendance of the parents or guardian. The Court may obtain information as to the child's or young person's general conduct, home surroundings, school record and medical history. By express provision in the aforementioned Law, no young person shall be sentenced to imprisonment if he can be suitably dealt with in any other way.

163. When dealing with cases where juveniles are suspected of having committed an offence, the Police ensure that the parents or guardians as well as the Divisional Police Commander are promptly informed. Where the suspect is a pupil, arrest and examination at school is avoided and when such course is absolutely necessary, it is effected only with the consent and in the presence of the schoolmaster.

164. By virtue of section 7 of *the Juvenile Offenders Law (Cap. 157, as amended)*, a court on remanding or committing for trial a minor who is not released on bail, shall where practicable, instead of committing him to Prison, commit him to custody in a police station. The Police is under the duty to make arrangements for preventing his association with an adult charged with an offence.

165. In 2005, *the Rights of Persons being Arrested and Taken into Custody Law {L.163 (I) 2005, as amended}* expanding on the constitutional provisions safeguarding the rights of persons arrested and detained in custody. As regards specifically minors under the age of

18. the law provides in addition: (a) for the obligation of the police to inform promptly the parents or guardians of the arrest or detention and the reasons therefore, (notwithstanding the exercise by the minor of his rights to communicate) and if need be to inform also the SWS of the Republic, (b) that the interrogation is conducted in the presence of the minor's lawyer, (c) that the parents or guardians have the right to be present during the communication and meetings of the minor with his lawyer, or during medical examination or treatment and; (d) that the minor is detained separately a.o.

166. More details on laws with a child-rights oriented approach are attached as Annex IX.

167. The Law Commissioner and Commissioner for Children Rights, taking into consideration, inter alia, the Concluding Observations of the Committee on the Right of the Child on the combined Third and Fourth Periodic Report of Cyprus (September 2012, CRC/C/CYP/CO/3-4) has prepared a comprehensive draft law which establishes a child-friendly Justice System for children in conflict with the law. The proposed bill creates a legislative framework for dealing with children who are in conflict with the law and, at the same time, introduces structures and procedures aiming to combat child delinquency and to promote crime prevention. The proposed bill is compatible with the Convention on the Rights of the Child and other international human rights instruments.

168. It purports to fill an existing gap and to establish a child friendly criminal justice system, designed to respond to the needs of children in conflict with the law, taking into consideration the existing Criminal Justice System in the Republic of Cyprus. The bill is innovative for Cyprus as, among others, it establishes structures and procedures alternative to judicial proceedings, which are missing. Precedence is taken from good practices of other European countries and, especially, Ireland and UK. The proposed bill was submitted in June 2014 to the President of the Republic, the Attorney General, the President of the Supreme Court and the Ministers of Justice and Public Order and of Labor, Welfare and Social Insurance, with a recommendation to open public consultation.

Freedom of thought, conscience and religion (art. 18)

Replies to the issues raised in paragraph 21

169. The Government of the Republic pays particular importance into providing support to the Muslim community of Cyprus, including towards their right to worship. There are currently eight (Three in Nicosia: Omeriye, Bairacdar, Dali /Two in Larnaca: Hala Sultan Tekke, Kepir / Two in Limassol : Jami Jedid, Jami Kebir / One in Paphos : Kato Paphos Mosque) mosques (five of which are declared ancient monuments) located in the Government-controlled areas which are fully accessible and used by the Muslim community for religious practices on a regular basis. With the exception of the Dali mosque in the district of Nicosia which only opens on Fridays, the rest are being used not only on Fridays, but also during all Muslim feasts and are open for visits on a daily basis to all Muslims living in Cyprus. Opening hours, access and worship matters are in the hands of the Muslim community which uses these mosques, with the exception of the Hala Sultan Tekke in Larnaca which, while it is accessible on a daily basis, has set opening/closing times due to the fact that it also operates as a museum. The Dali mosque will also commence servicing on a daily basis, once proper hygiene facilities are erected in the premises, with expenditure to be covered by the Republic.

170. The mosques are being used by the Muslim community in Cyprus, including Turkish Cypriots which, since the partial lifting in 2003 of restrictions to the freedom of movement imposed by the occupation regime, have been able to freely practice their faith in places of worship located in the Government-controlled areas. Foreign pilgrims, including citizens of Turkey, are also welcome to exercise their religious rights in the

Government-controlled areas, provided they have entered the Republic of Cyprus via a legal point of entry.

171. The Government has consistently undertaken systematic efforts for the protection of all places of worship, as well as other monuments and cultural sites on the island, including Muslim monuments, which constitute an inseparable part of the island's cultural heritage. In the Government-controlled areas, a total of 18 mosques and one mausoleum are listed as Ancient Monuments. They are administered by the Turkish Cypriot Properties Management Service of the MOI, which acts as their caretaker as is the case for all Turkish Cypriot properties located in the areas under the effective control of the Republic. The Department of Antiquities is the responsible authority for their protection and safeguarding of their good state of preservation. These monuments are today in an excellent condition due to the scientific restoration programme which the Department of Antiquities launched in 1995. Since then, more than €6.000.000 has been spent by the Department of Antiquities for their restoration and maintenance and they remain under constant monitoring with every respect to the Muslim community.

Replies to the issues raised in paragraphs 22 and 23

172. The policy and practice of the MOEC is to grant requested exemptions from the Religious Instruction lesson and any possible problems are dealt within the clear guidelines that are given to schools. In primary education any pupil who is not of the Greek Orthodox religion may be exempted from religious instruction, following a request from his/her guardian. The same applies in secondary education. Furthermore, in secondary education a pupil is exempted from attending religious services on any grounds, following a statement from the guardian or, in the case of a pupil over the age of sixteen from him/herself. All pupils who are exempted from the lesson in primary education attend another lesson in a neighbouring class, while pupils in secondary education undertake a project of their choice. The process of the educational reform is on-going and the MOEC plans the evaluation of the policies and measures that were adopted as of today and take the necessary actions which will help the educational system to move forward.

Replies to the issues raised in paragraph 24

173. From 2009 until today, 83 applications have been submitted for recognition as conscientious objectors to perform alternative civilian service. It was found that 71 applications meet the requirements of the law and the applicants were recognized as conscientious objectors by the Minister of Defence.

174. Persons who recognized as conscientious objectors may serve: (a) Alternative military service in military units that are laid down by the Minister of Defence and their assigned tasks, not involving the use or training in use of weapons, and; (b) Alternative social service, in the public services sector: This kind of service provide services of public interest and protection of the environment.

175. In accordance with article 47 (3)(c) of *the National Guard Law {L.19 (I)/2011, as amended}*, is not recognized as a conscientious objector, the person who has served in arms for any period after he has been gained the beliefs that impede the fulfillment of military service for conscientious reasons. To this day, there has been no request for recognition as a conscientious objector by any person who has commenced to serve his military service.

Freedom of opinion and expression (arts. 19 and 20)

Replies to the issues raised in paragraph 25

176. In July 2013 the Law on the Procedure for the Standardization of Geographical Names of the Republic was amended, in order to safeguard the cultural identity of all of the Republic's regions and territories.

177. Particularly, article 6 (1) of the Procedure for *the Standardization of Geographical Names of the Republic (Amendment) Law of 2013 {L.71 (I)/2013}*, criminalizes the publication, importation, distribution and selling in the Republic of maps, books and other documents which contain geographical names and regions of the Republic different than those specified in accordance with the procedures provided in the above law or those listed in the Toponymic Gazetter.

178. The amendment constitutes a legitimate restriction to the right of freedom of expression enshrined in Article 19 paragraph 3 of the International Covenant on Civil and Political Rights as (a) it is provided for by law and (b) is necessary for the purposes of protecting public order and in particular, the cultural identity of all regions of the Republic of Cyprus.

Right to participate in public life (art. 25)

Replies to the issues raised in paragraph 26

179. All Greek Cypriots and Turkish Cypriots residing in the areas under the effective control of the Government need to apply for the inclusion in the electoral list and, after that, have the same electoral rights.

180. An amendment of *the Electoral Law, {L.35 (I)/2014, as amended}*, for EU elections, provides the automatic inclusion in the electoral lists of all Turkish Cypriots holding a Republic of Cyprus identity card with a declared address, in accordance with the information provided in the Civil Registry System, in the areas of Cyprus which are not under the effective control of the Government.

181. On the basis of this particular law provision, 58.637 Turkish Cypriots have been automatically recorded in to the electoral list for EU elections, out of approximately 95.000 individuals that have acquired an identity card of the Republic issued by the Civil Registry System, but only 1869 from them exercised their electoral rights.

Right of persons belonging to ethnic, religious or linguistic minorities (art. 27)

Replies to the issues raised in paragraph 27

182. There are no immediate plans to amend the Constitution of the Republic. Effective implementation of the principle of self-identification is already taking place in public education, where each year schools collect their pupil population data based on the Constitution's classification: that is Greek Cypriots, Turkish Cypriots, Armenian, Latins and Maronites, ensuring that the principle of self-identification is effectively implemented in practice.

183. As regards the question on 2011 census, relevant information are attached as Annex X.

Replies to the issues raised in paragraph 28

184. In the last few years the MOEC, has designed, developed and implemented a new policy with regards to Multicultural Education, aiming at the smooth inclusion of pupils from third countries, as well as other EU member-states to the Cyprus Educational System. The policy priorities place particular emphasis on democratization, by cultivating respect for the dignity and uniqueness of each individual; respect for the opinion of the majority; creating opportunities for active participation in the decision-making process; providing equal opportunities in all aspects of school life; and encouraging cooperation and responsibility. The specific objectives of this policy include: (1) The development and implementation of coordinated actions and interventions that promote the smooth inclusion of non-native speaking pupils to the Cyprus Educational System; (2) The establishment of rules and regulations for the accountability and quality control of the educational provisions for non-native speaking pupils; (3) The in-service training of all teachers regarding the empirical and theoretical multidisciplinary teaching methods and tools based on the philosophy of multicultural education; and; (4) The development of special educational methods and the application of new teaching approaches in order to promote the objectives of multicultural education.

185. In response to the demands of the contemporary society and the changing social environment, both national and international, the overall policy is to promote the implementation of educational measures, which will help groups from different cultural identities to integrate themselves in a creative environment, regardless of background and enabling teachers to support pupils' linguistic and cultural needs in an effective way.

186. Children belonging to religious minority groups can attend their respective minority schools that receive state subsidies, thus being able to preserve their language, identity and culture. However, they can also attend state mainstream schools where awareness of their historical presence in Cyprus is promoted. With regards to the revised curricula of History and Religious Education, the historical continuity and the religious identity and tradition of the minority groups in the developmental and historical course of the island is safeguarded in the form of teaching objectives, activities and resources. Moreover, booklets with a variety of information, presenting the past and the present of each religious group are published. The University of Cyprus, with the financial contribution of the MOEC, offers lessons for the learning of the Armenian language at various levels. The protection and promotion of the Armenian language is mainly safeguarded through the functioning of the Armenian Schools Nareg, which are fully subsidized by the MOEC.

187. A scientific recording research and phonetic rendering of the CMA language is being carried out for the Maronite community. At the same time, lessons for the revival and the teaching of this language to young children are being subsidised by the MOEC. CMA is taught in the context of lessons provided at the Saint Maronas School and through the financial support of a project offering childcare and language-immersion afternoon lessons. Also, a camping with educational activities that aim at the strengthening of the children's bonds with their native land and their identity is organised every year in the occupied Kormakitis, where young people learn the language in an enabling and culturally appropriate context. The promotion of the culture of the minority groups and their historical presence in Cyprus is also achieved through the distribution and screening of documentaries produced with the financial support of the MOEC.

188. Safeguarding and promoting the cultural diversity of Armenian, Latin and Maronite communities are two goals strongly supported by the Cultural Services. These goals are accomplished through various programmes of subsidy and collaboration implemented by the Cultural Services. Within the context of these programmes, state financial aid is provided to the cultural centres and foundations of these communities in order to enable them to organize cultural events that promote their musical, theatrical, dance and literary

tradition. By this way, the members of religious minorities have the opportunity of access aspects of their cultural identity and at the same time this kind of activities promote cultural understanding and tolerance. Various actions that promote intercultural dialogue and respect of intercultural diversity among all the communities living on the island were materialized. With regards to public media the CBC radio continues to broadcast a one-hour programme in Armenian on a daily basis. This programme covers issues on literature, religion, health etc. and includes news bulletins and a children's programme. The CBC TV broadcasts occasionally programmes in Armenian and/or about the Armenian community and/or the Maronite community and/or about the Cypriot Maronite Arabic speakers.

189. The Minister of Education and Culture has regular meetings with the Commissioner for Humanitarian Issues and the representatives of the religious minority groups in the presence of senior officials responsible for issues related to education and culture. The MOEC is thus directly briefed on key issues and challenges related to the educational and cultural identity of the religious minority groups and considers the most appropriate ways to address them. For the facilitation of this process a senior official of the MOEC has been assigned with the task to oversee, coordinate and assess the development of issues related to the religious minority groups and their languages.

190. Cyprus is a party to the Framework Convention for the Protection of National Minorities, 1 February 1995, and to the European Charter for Regional or Minority Languages, 1 February 1995, and submits regularly its national Report hereunder.

191. Turkish Cypriot pupils may attend a public or a private school of their choice. The fees of Turkish Cypriot pupils attending private schools in the Government controlled areas are fully subsidized by the Government. In order to promote tolerance, understanding and dialogue between the two main communities of the island (Greek and Turkish), the MOEC has adopted a goal under emphasis for three consecutive years: "Promoting the culture of peaceful coexistence, mutual respect and cooperation between Greek Cypriots and Turkish Cypriots aiming at liberation from the occupation and the reunification of our country and our people". Teachers from all levels of education, pupils and parents received information and were encouraged to participate in planned events related to the goal. They also planned special activities that included cross curriculum approaches in order to highlight cooperation, mutual understanding and love between individuals, peoples and generations free from the spectrum of intolerance and chauvinism aiming at safeguarding freedom, justice and peace.

192. By a Decision of the Council of Ministers, Turkish Cypriot pupils who are enrolled in Ayios Antonios Primary School in a great number, attend lessons in their own language, religion and culture. The same applies for pupils attending the Ayios Antonios Secondary School. The MOEC has also appointed specialized teachers to cater for the specific needs of this particular group (Turkish Cypriot teachers as well as bilingual teachers). During the current school year 2014-2015, the school is organising various activities and actions in order to facilitate pupils' learning and maximize their potential.

193. The CCR issued on 28 December 2013 a Report on the circumstances of education in the Ayios Antonios Primary School which was communicated to the Minister of Education and Culture and the Minister of Labour, Welfare and Social Insurance. The Report includes the findings of the CCR and makes specific recommendations in relation to: (1) composition of the school population and the specific pedagogical needs and; (2) social integration and cooperation with the Roma community. The Minister of Education and Culture instantly reacted positively to the Report, had a meeting with the CCR and visited the school committing himself to implement the CCR's recommendations.

194. The Council of Ministers has taken the decision in principle to establish a school in Limassol with Turkish as the language of instruction. However, the survey conducted in

2005 among Turkish Cypriot parents on the proposal for establishing a separate Turkish school, indicated that parents favoured attendance at the public school of their area. This shows that the measures adopted by the Government are adequate and the educational needs of Turkish Cypriot pupils are met and up to their expectations.

195. The information guides for the educational system are available in eight languages (including Turkish) in the MOEC's website. These guides provide useful information to pupils and their parents and are addressed to newcomers in the educational system. Moreover, the Adult Education Centres offer free Turkish language courses to adults and children during the afternoon.

Replies to the issues raised in paragraph 29

196. Pursuant to national legislation, pupils must enroll at the school nearest to their place of residence. As it has been observed, financially disadvantaged families, tend to live in particular areas and, therefore, schools in those areas have a proportionally larger number of non-Cypriots than schools in other areas. The MOEC has introduced the institution of the Zones of Educational Priority (ZEP), to address consequential matters and aims, as an ongoing process, to ensure all pupils' uninterrupted school attendance, thus ensuring their right to education. For the school year 2014-2015, Roma children are enrolled to the nearest public schools to their place of residence.

197. The operation of this institution has had positive results, such as a reduction of pupil dropouts, of school failure and of referrals to the Educational Psychology Service, as well as improvement of school success. In 2013 the percentage of early leavers, that is, the population aged 18-24 with a most lower secondary education and not in further education and training was reduced to 9%, well below the headline target that was set to 10%. Moreover, in 2010-2011 school dropout was not existent in primary education, whereas in secondary education in 2010-2011, this percentage was 1,1%.

198. In a Report dated 27 September 2011 submitted to the MOEC, the Anti-Discrimination Body called for the strengthening of its efforts to facilitate the access of Roma pupils to education which corresponds to their particular characteristics and allows the evolution of their culture, while also minimizing dropout and school failure rates as much as possible. As a response to this report the MOEC informed about particular actions that will take place concerning the education and the particular needs of Roma Children.

199. Empirical and theoretical research related to minority education and specific educational initiatives have guided the MOEC in developing and implementing programmes for the education of Roma and other non-native language speaking pupils. The MOEC has implemented and continues to implement various measures. See Annex XI.

List of abbreviations

AC	Advisory Committee
ACPCVF	Advisory Committee for the Prevention and Combating of Violence in the Family
APHVF	Association for the Prevention and Handling of Violence in the Family
AIU	Aliens and Immigration Unit
AP	Action Plan
CBC	Cyprus Broadcasting Corporation
CCR	Commissioner for the Protection of Children's Rights
CMA	Cyprus Maronite Arabic
DOL	Department of Labour
ECHR	European Court on Human Rights
IAIACAP	Independent Authority for the Investigation of Allegations and Complaints against the Police
MCGTHB	Multidisciplinary Coordinating Group against Trafficking in Human Beings
MJPO	Ministry of Justice and Public Order
MLWSI	Ministry of Labour, Welfare and Social Insurance
MOEC	Ministry of Education and Culture
MOH	Ministry of Health
MOI	Ministry of Interior
NAPCVF	National Action Plan for Combating Violence in the Family
NAPGE	National Action Plan on Gender Equality
NGOs	Non-Governmental Organizations
NIAHR	National Independent Authority for Human Rights
SWS	Social Welfare Services
THB	Trafficking in Human Beings
UNHCR	Office of the United Nations High Commissioner for Refugees
WHO	World Health Organization
OHCHR	Office of the High Commissioner for Human Rights